

CHILD CARE LICENSING ADVISORY COMMITTEE MEETING

July 10, 2008

Natural Resource Building 1594 West North Temple, Room 1040

Salt Lake City, Utah

Members Present:

Dale Smith; George Garff; Michael Libeck; Diane Wilkinson; David Rothschild.

Members Absent:

Susan Cochella; Wendy Hobson-Rohrer; Susan Williams-Ashby; Carol Holcombe; Carol Thompson; Christiana Peterson.

Staff Present:

Joyce Hasting; Karrie Phillips; Teresa Whiting; Joan Isom; Donna Thomas; Lynda Worthington; Jessica Strout; Sue Kirkham and Keri Burr.

1. Minutes:

Mr. Rothschild stated that on the first page, last paragraph it should say front yard not front room. The minutes will be voted on at the next meeting when there is a quorum.

2. Updates to Family and RC Rules:

Ms. Whiting reviewed the updates to the Family and RC rules with the committee.

Mr. Rothschild questioned the reasoning for giving variances for mixing toddlers and twos and why it is necessary. Ms. Whiting stated that the variance allows the Bureau to limit the group size to 10, which is a concern when mixing toddlers and twos.

3. Four-Day work week:

Ms. Whiting explained that the Bureau will be going to a four-day work week beginning August 4, 2008. In each region the licensors will rotate working on Fridays where they will be investigating complaints and inspecting their caseloads. The Regional Program Managers will be rotating as managers on call on Fridays to triage complaints. The operating hours of our Bureau will be Monday - Thursday 7:00 a.m. to 6:00 p.m. Complaints calls will be forwarded to the on-call cellular phones on Thursday.

4. Exemption Rule:

Mr. Rothschild questioned whether the Bureau has the authority to investigate complaints in exempt facilities. Ms. Whiting explained that under the statute the Bureau has no authority to investigate complaints in exempt facilities.

Ms. Susan Ison, Helping Hands Food Sponsor, requested that providers with less than five children not have a license available to them. She stated that there are many providers with less than five children that are not licensed that can not receive food monies because a license is available to those providers. She stated that if a license were

not available to these providers, they would be able to be on the food program without being licensed. Ms. Ison explained the oversight provided by the food program. Ms. Wilkinson stated that when the food sponsors come to her house they never check to make sure that she has a fire extinguisher.

Ms. Lynette Rasmussen, Office of Work and Family Life, stated that she supports the current rule which allows license exempt providers to voluntarily license, if they choose to. She explained that the Office of Child Care provides grants to help support child care providers become licensed. Ms. Whiting explained that if a provider is not licensed, they no longer qualify for child care subsidies through the Department of Workforce Services.

Mr. Rothschild stated that as a family provider, receiving food program money and subsidy is a big incentive to get licensed and that the paperwork isn't much of a barrier. Ms. Ison stated that the expense of getting a business license stops many providers from getting licensed. Ms. Rasmussen stated that these providers have access to a part one grant which will pay for part if not all of the business license. Ms. Ison stated that providers have to pay up front and then they are reimbursed, but many of these providers do not have the funds to pay for a business license of \$1300.00. Ms. Rasmussen stated that the Office of Child Care Advisory committee is working with the league of city and towns and the county to level the fees and costs and create specific zoning laws for child care providers. She explained that when many of the zoning laws were created, child care was an anomaly.

Ms. Wilkinson stated that her daughter participates in the food program and the money that she is reimbursed is not worth the time and paperwork that it takes to complete for food program reimbursement. She stated that if the reimbursement is not significant, someone who only cares for one or two children will probably not be willing to take the time to do the paperwork. Ms. Ison stated that the food program is not to make the provider rich but to offset the cost to give nutritious food to children.

Crystal Knippers, Northern CCR&R, stated that one city in the north requires providers with five or more children to have a license and if this proposal went into effect they would lose a lot of child care providers. She stated that none of the fees in the northern area exceed \$80.00.

Paula Barton, Alliance for Children Food Program, stated that their program does not want to take licenses away for those providers that would want them. She stated that when they reviewed the website, most providers were licensed for eight children. She stated that they would like providers to have the food program available even though they don't have a license. She stated that they would like to target the low income. Ms. Barton stated that the food program wants children to be in safe, healthy environment. Ms. Kalleen Buttars stated that the USDA states that if a license is available then to receive food subsidy monies the program must be licensed or have a residential certificate.

Mr. Dale Smith summarized the food program request. He summarized the main points as:

1. If a license is available to a provider they must have it to receive subsidy from the federal food program.
2. The goal is to have regulated quality child care but if we have providers who only care for a few children it may be financially prohibitive that the providers choose to go underground so then they are not eligible for the federal food program monies. The proposal from the food program is to create a way that they can make federal food monies available to those programs that have gone underground so that they can be monitored which will create more quality child care programs. Ms. Whiting clarified that providers that have fewer than five children are not required to have a license so they really don't have to go underground.

Mr. Smith questioned what other states are doing. Ms. Ison stated that most states have a lower limit which allows them to have an alternate approval. Ms. Whiting questioned whether she could have a copy of that data. Ms. Ison stated that she would make that information available. LuAnn Shipley, Child Nutrition Program, suggested that Ms. Whiting, Ms. Rasmussen meet together to discuss this issue. She suggested that this issue be tabled and discussed in another meeting.

Ms. Whiting suggested that we proceed with the rule as it currently reads and if necessary the Bureau could amend the rule at a later date. Ms. Shipley concurred with this proposal.

Mr. Michael Libeck stated that if someone wants to get licensed they should have the option. Ms. Wilkinson stated that she feels like providers should be licensed because the children are in a safer environment.

Ms. Rasmussen stated that the big unanswered questions is: Why do providers choose not to get licensed.

Ms. Ison stated that she has had providers that have applied for the grant monies and they have been told that there are no more funds available. Ms. Rasmussen stated that the funds for family start up grants are limited and it is a first come, first serve basis. Ms. Rasmussen stated that if there is an increased need for funds they would address that issue.

Mr. Smith recommended that the rule stay the same and that Lynette Rasmussen, Teresa Whiting and LeAnn Shipley meet together to discuss this information. He also suggested that this committee review the information from the other states regarding this issue. Teresa will take the lead and will report to the CCLAC any recommendations from their meeting.

5. **Background Screening Rule: R430-6**

Ms. Whiting reviewed the first draft of the Background Screening rule with the committee. She explained that we are proposing to repeal the old rule and re-enact the new rule. She explained that the new rule begins on page six. On page seven, #4 Background screening lists what rules will not exclude a provider from child care. She explained that volunteer parents of children in care who have not passed a background screening would only be able to have unsupervised to their own children.

Devon Parcell questioned if our Bureau denies on DUI's. We do not deny on DUI's unless they are Misdemeanor A's. Mr. Johnny Anderson, UPCCA, asked that R430-4(a)(ii) means the staff member would need to have a completely clean record since the disqualifying misdemeanor crime to be eligible to pass the screening. Mr. Smith stated that most of his employees are students and do not have the ten years or the five years lapse between that stupid thing they did and the five years, and if there is something that the Bureau can do on a case-by-case basis for these employees. Ms. Whiting stated that the Bureau does not feel like they are qualified to make that judgement, because we only hear the convicted persons side of the crime. We don't hear all of the evidence the court hears, and we do not hear from the victim. For this reason, we feel the court system is in the most informed position to determine if a crime should be expunged.

Mr. Anderson, asked if R430-4(a)(iii) could say that there has been no criminal conviction in the last 10 years so that if a person had a criminal conviction twenty years ago and then another conviction 10 years ago as long as they had no other finding in the last ten years and as long as it is not something we deny on regardless of the time frame, this conviction would not affect whether the background screening passed.

Swendy VanDorn stated that she is concerned with how long it has taken to get BCI forms back on her employees. Ms. Whiting stated that the Bureau is at a ten day turn around time on the BCI's. Ms. VanDorn also expressed concern that amusement park employees are not required to have a BCI.

Ms. Wilkinson stated that she had an employee that had to have fingerprints and she did not receive the BCI from the Bureau until five months had passed. Ms. Whiting stated that we do not process the fingerprints ourselves, they are sent to the FBI. Ms. Smith questioned what happens to those individuals that have arrived into the country from other countries. Ms. Whiting stated that we have no authority internationally to conduct background screenings in other countries.

6. **Draft of Non-compliance Levels:**

Ms. Whiting reviewed the non compliance level handout with the committee. She explained that this model is from the National Association for Regulatory Administration. (See handout) This non-compliance handout will be for all provider types. If harm actually occurs then the rule violation would go to level A. The committee felt this is a good model to use.

7. **Eliminate required training hours for Substitutes:**

Mr. Rothschild requested that the training hours for substitutes be eliminated. He stated that it is a burden to require them to have 20 hours of training. He said that it is very hard to get substitutes and then to require them to have 20 hours of training is impossible.

Mr. Smith questioned that we may need to define what is a substitute. Ms. Whiting stated that in the proposed family rules any substitute that works an average of less than 10 hours a week is not required to have the annual training. These substitutes are required to have orientation training only. Mr. Rothschild questioned whether the interpretation manual for centers could be changed to reflect this new practice. Ms. Whiting stated that she will need to check with Dr. Babitz. Mr. Smith suggested that the interpretation should say that the ten hours are averaged over the last three months or the last six months so that the provider has a time frame to use.

8. **Public Comment:**

Ms. Lynette Rasmussen stated that Work and Family Life, the Office of Child Care is having some staffing issues and some of the Career Ladder and Training & Longevity payments may be delayed. She left handouts with phone numbers that providers may call if they have concerns.

Mr. Rothschild stated that his last inspection was great. He stated that it was more consistent, more professional and more rationale than the inspections that he had previously.

The meeting was adjourned.

Dale Smith, Chairperson

Teresa Whiting, Executive Secretary